

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CERTAIN UNDERWRITERS AT) Civil Action No.: 4:14-cv-2281-PMD-TER
LLOYD'S, LONDON, Subscribing to)
Certificate Number 331092 R-5,)
)
Plaintiff,)
)
-vs-)
)
)
HARRY SYPNIEWSKI, KATHLEEN)
SYPNIEWSKI, ROBERT SYPNIEWSKI,)
and IRENE BELLAMY,)
)
Defendants.)
)

CONSENT ORDER

The plaintiff and defendants Harry Sypniewski and Kathleen Sypniewski having consented,

IT IS HEREBY ORDERED:

1.

Defendants Harry Sypniewski and Kathleen Sypniewski have acknowledged service of the Complaint for Declaratory Judgment and the Summons directed to each of them. Defendants Harry Sypniewski and Kathleen Sypniewski assert a general denial of all allegations in the Complaint, except as to service and sufficiency of the Complaint and Summons. The plaintiff shall file the Acknowledgment of Answer of Defendants Harry Sypniewski and Kathleen Sypniewski (attached hereto as Exhibit A). The defendants acknowledge and agree that Paul Vancil does not represent them in any manner.

2.

Defendants Harry Sypniewski and Kathleen Sypniewski are named as defendants in this declaratory judgment action for technical reasons only, as they are the named insureds under the

insurance policy at issue but are not named as defendants in Irene Bellamy v. Robert Sypniewski, the state court action giving rise to the Complaint for Declaratory Judgment (Bellamy is more particularly described in the Complaint for Declaratory Judgment). Defendants Harry Sypniewski and Kathleen Sypniewski understand (and Paul Vancil, as counsel for plaintiff, acknowledges and agrees) that this declaratory judgment action seeks only a declaration/ruling from this Court as to insurance coverage in Bellamy, and does not seek money damages from any defendant. Being named as defendants for technical reasons only, defendants Harry Sypniewski and Kathleen Sypniewski do not wish to participate in or incur legal fees and expenses in the defense of this declaratory judgment action. The plaintiff, through counsel, agrees that it is not seeking any money damages or other monetary award or sanction against defendants Harry and Kathleen Sypniewski.

3.

Defendants Harry Sypniewski and Kathleen Sypniewski agree to be bound and shall be bound by all Orders, decisions and rulings of this Court (and any and all appellate courts) in this declaratory judgment action.

4.

Defendants Harry Sypniewski and Kathleen Sypniewski are excused from participating in hearings, scheduling conferences or other conferences required by the Federal Rules of Civil Procedure or this Court, unless otherwise directed by subsequent Order of this Court. Defendants Harry Sypniewski and Kathleen Sypniewski are also excused from filing responses to Rule 26.01 Interrogatories.

5.

Upon written request from any party to this action, defendants Harry and Kathleen Sypniewski agree to and shall provide documents or testimony pursuant to the Federal Rules of Civil

Procedure or any Order or ruling of this Court.

6.

Upon the written request of defendants Harry and/or Kathleen Sypniewski, Paul Vancil shall provide copies of all pleadings, Orders or other documents filed in this action via the Court's electronic filing system, or served/received via regular U.S. mail or other delivery service.

7.

If, at a later time, defendants Harry and/or Kathleen Sypniewski wish to participate in this action, they may do so upon written notification to all parties of their intent to participate.

SO ORDERED this 12th day of August, 2015.

s/Thomas E. Rogers, III
United States Magistrate Judge

CONSENTED TO:

/s/ Paul Vancil
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(Signatures continued on next page)

/s/ Harry Sypniewski

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